

REMARKS

After entry of the foregoing amendment, claims 17-27 remain pending in the application.

Claim 21 stands rejected under § 112. Reconsideration is requested.

One issue was whether adequate support is provided for the genus “portable device” in view of the teaching in incorporated-by-reference 6,947,571 of a “cell phone.”

The ‘571 patent provides the requisite support.

Cell phones are introduced in a discussion beginning in column 40 entitled “Movable Bedoop Sensors.” The discussion starts by noting:

Although the illustrated Bedoop systems are generally stationary, they need not be so. They can be portable. Some such systems, for example, employ palmtop computers equipped with optical sensor arrays...

Later in this discussion, at col. 41, line 43, movable sensors in the form of a mouse and a cell phone are noted.

This section is believed to provide the necessary support for both the genus of portable devices, as well as specific species (palmtop computers, mice and cell phones).

The § 112 rejection also contends that the application lacks sufficient disclosure of steganographic encoding of content data *received by* the cell phone.

Such teaching is provided, for example, in incorporated-by-reference patent 6,122,403.¹ The ‘403 patent teaches cell phones and other wireless devices with steganographic capabilities – both encoding and decoding. The patent states, for example:

While the foregoing discussion has focused on steganographically encoding a transmission from a cellular telephone, it will be recognized that transmissions to a cellular telephone can be steganographically encoded as well. Such arrangements find applicability, e.g., in conveying administrative data (i.e. non-voice data) from the carrier to individual telephones. This administrative data can be used, for example, to reprogram parameters of targeted cellular telephones (or all cellular telephones) from a central location, to update seed lists (for systems employing the above-described on-time pad

¹ See present specification, paragraph [0004].

system), to apprise "roaming" cellular telephones of data unique to an unfamiliar local area, etc.²

Thus, the present specification is believed to properly support steganographic encoding of content data received by a cell phone.

The language "launch a web browser, if a web browser is not already running" has been removed from claim 17 – addressing that aspect of the § 112 rejection. Likewise, the term "define" in claims 17 and 21 has been replaced with the more definite term "establish."

Claims 21-27 are rejected under § 102(f), over commonly-owned patent 6,947,571. The rejection states that the '571 patent discloses subject matter being claimed in the instant application.

To establish a § 102 rejection, however, *all* of the claimed subject matter must be taught in the cited reference. There is no showing that the '571 patent teaches each element of the rejected claims. (For example, the '571 patent is silent on software instructions causing a process to establish a layered stack of protocols, etc.)

Claims 17-20 stand newly rejected over Chen (WO0207425) in view of Meyers (7,188,186).

Meyers teaches an arrangement by which executable program code (which might correspond to a game or advertisement) may be watermarked into an MP3 file. A computer that renders the MP3 file can read the executable program code from the watermark, and execute same.

² See col. 96, lines 27-39

The Action states “Meyers discloses the step of decoding the embedded watermark *wherein software interface masking details of particular hardware design by which the watermark decoder is implemented (see column 2, lines 44-47).*”³ However, Meyers is not understood to so-disclose.

The cited excerpt from column 2, lines 44-47 reads:

- 40 This technique has four main advantages:
- 1) executable code may be placed directly in the media file, simplifying content distribution and permitting the data and the executable code to be tightly integrated;
 - 2) augmented viewers can transparently access the execut-
45 able code;
 - 3) existing viewers are backwards compatible and can still view the media file; and
 - 4) large amounts of supplemental data may be facily
50 embedded in the media file

This passage is understood to teach that an “augmented viewer” (i.e., a media player that can also decode Meyer’s watermark conveying executable code) can access the executable code conveyed by his embedded watermark; and even existing viewers (i.e., legacy media players without such capability) can still access and view the media file. Meyer is not understood to teach any software interface through which watermark decoding functionality can be invoked, with the software interface masking details of a particular hardware design by which the watermark decoder is implemented – all as required by claim 17. Accordingly, the rejection of claim 17 appears based on an erroneous reading of Meyer’s teachings.

Chen teaches arrangements for embedding of data in television signals. However, Chen is also lacking the claimed arrangement, i.e., a software interface through which watermark decoding functionality can be invoked, with the software interface masking details of a particular hardware design by which the watermark decoder is implemented.

³ May 13, 2008, Final Rejection, page 7, first full paragraph.

It will be recognized that the claimed arrangement allows software more easily to be written for a variety of different hardware platforms. A person writing the software can make use of standardized software instructions (e.g., API calls in the software interface) - that are useful across several different hardware configurations - to invoke watermark functionality. Differences in watermark hardware on different platforms are thus masked to the software/author – the software is effective to invoke the desired action, without regard to the particular watermark decoder hardware in a particular apparatus. By such arrangement, the same software can more easily be used on a variety of hardware platforms, since the details of any particular hardware platform need not be known to the software/author.

Language has been added to claim 17 to emphasize the foregoing.

Claims 18-20 have been amended to correct an antecedent basis issue.

Favorable reconsideration and passage to issue are solicited.

Date: August 13, 2008

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Respectfully submitted,

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